

United States Government

Department of Energy

Oak Ridge Operations Office

memorandum

DATE: JAN 31 2001

REPLY TO:
ATTN OF: AD-40:Kates

SUBJECT: ENVIRONMENTAL ASSESSMENT FOR THE FLOODPLAIN STRIP ADJOINING THE
BOEING PROPERTY

TO: D. H. Wilken, Assistant Manager for Administration, AD-40

The subject Environmental Assessment (EA) dated January 2001 has been reviewed in accordance with our responsibilities under the Department of Energy (DOE) Order 451.1B paragraph 5a(9). Based upon this review, recommendations made by your staff, and after consultation with the Office of Chief Counsel and the National Environmental Policy Act (NEPA) Compliance Officer, I have determined that within the meaning of NEPA, the proposed action is not a major Federal action significantly affecting the quality of the human environment. Therefore, the preparation of an Environmental Impact Statement is not required. The basis for this determination is explained in the attached Finding of No Significant Impact (FONSI) and the supporting final EA.

Please note that your office is responsible for providing public notice of the availability of the EA and FONSI in accordance with 40 CFR 1506.6(b), 10 CFR 1021.322, and DOE Order 451.1B, paragraph 5e(5).

If you need further assistance or have any questions or comments, please contact David R. Allen, ORO NEPA Compliance Officer at (865) 576-0411.



G. Leah Dever
Manager

Attachment (2)

cc w/attachment:
C. Borgstrom, EH-42, HQ/FORS (5 cpy's + electronic cpy)
D. Allen, SE-32
J. Elmore, SE-32
R. Moore, SE-32
M. Belvin, SE-31
Oak Ridge Public Reading Room, Bldg. 1916-T2

**Finding of No Significant Impact
for the
Conveyance of the Floodplain Strip
Adjacent to the Boeing Property**



**U. S. Department of Energy
Oak Ridge Operation Office**

January 2001

**Finding of No Significant Impact
for the
Conveyance of the Floodplain Strip
Adjacent to the Boeing Property**

Agency: Department of Energy

Action: Finding of No Significant Impact -- Conveyance of the Floodplain Strip Adjacent to the Boeing Property.

Summary

The Department of Energy (DOE) has prepared an Environmental Assessment (EA) (DOE/EA-1361) for the Conveyance of the Floodplain Strip Adjacent to the Boeing Property, Roane County, Tennessee. The Proposed Action is for DOE to convey a parcel of DOE property, a strip of floodplain adjoining the Boeing Property, Oak Ridge, TN, to the abutting landowner. Based on the analyses in the EA, DOE has determined that the proposed action is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act (NEPA) of 1969. Therefore, the preparation of an Environmental Impact Statement (EIS) is not required, and DOE is issuing this Finding of No Significant Impact (FONSI).

Public Availability

Copies of the EA and FONSI or further information on the DOE NEPA process are available from:

Ms. Katy Kates, Realty Officer
U.S. Department of Energy, Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 37831
Telephone: 865-576-0977
Facsimile: 865-576-9204

Further Information on the NEPA Process is available from:

David R. Allen
NEPA Compliance Officer
U. S. Department of Energy, Oak Ridge Operations Office
P.O. Box 2001
Oak Ridge, Tennessee 37830
Telephone: 865-576-0411
Facsimile: 865-576-0746

Purpose and Need

DOE was contacted by the Boeing Corporation to consider conveyance of the floodplain strip adjacent to property owned by the Boeing Corporation. Boeing had provided a developer with an option to purchase its property. Due to the location and size of the floodplain strip (which is noncontiguous to the Oak Ridge Reservation) DOE determined that it had no programmatic need for the property, and that it was therefore appropriate to consider release of the property from federal ownership. In recognition of the potential economic benefits to the region of further development, DOE agreed to consider conveyance of the floodplain strip for development along with other alternatives. The purpose of EA is to form the basis of any decision with respect to conveyance of the floodplain strip and to inform the public.

Background

The floodplain strip is on the Clinch River at the western city limits of Oak Ridge, in Roane, County, Tennessee, and borders the Boeing Property on three sides. As a matter of note, the Boeing Property has also been locally referred to as the "Segment O" Property. However, in this EA it was identified as the "Boeing Property." The floodplain strip is situated across the Clinch River from the East Tennessee Technology Park (ETTP; formerly known as the K-25 Plant) in an area known as Campbell Bend. The Boeing Property and the floodplain strip are north of the Oak Ridge Turnpike (Tennessee State Route 58, Gallaher Road). This land comprises the low-water line inward to the Boeing Property, and totals about 182 acres. The area is situated between the waters of Roberts Branch and Johnson Creek.

The Federal government during World War II, as part of the Manhattan Project, acquired the land that now comprises the Boeing Property (about 1,217 acres). The Atomic Energy Commission (AEC) acquired the bordering floodplain strip from the Tennessee Valley Authority (TVA) in 1959. TVA, however, retained certain easement rights to the property below the 750-foot contour level on the Clinch River. In 1987, DOE conveyed the Boeing Property to the City of Oak Ridge. On the same date the City conveyed the land to Boeing Tennessee, Inc. In 1987, prior to conveyance to the City of Oak Ridge, DOE issued a FONSI based on an EA that was prepared for the *Sale of "Segment O" of the Oak Ridge Reservation to the City of Oak Ridge, Tennessee* (DOE/EA-0320, 1986). DOE's 1987 Quitclaim Deed to the City contained certain restrictions for development of what was to become the Boeing Property.

DOE had determined that economic development, as it related to the self-sufficiency program, consisted of industrial development only. Subsequent to that determination, however, the parameters of economic development through the self-sufficiency program were expanded to include commercial and residential development. In November 1999, the previous residential restrictions on the Boeing Property were abrogated with the provision that all groundwater use on the property was prohibited.

In February 2000, the Oak Ridge City Council voted to rezone the Boeing site for mixed-use development. Previously, the property had been zoned for industrial uses only. Public participation was sought as part of the Boeing Property rezoning process and several members of the public provided input at the City Council meetings.

Proposed Action

The Proposed Action is for DOE to convey a parcel of DOE property, a strip of floodplain adjoining the Boeing Property, Oak Ridge, TN, to the abutting landowner. The owner would permit residents to use the property for recreation and limited, planned improvements. Improvements to the floodplain property could include the following:

- Placement of a limited number of natural surface walking paths and paved surface roads to facilitate access to the waterfront in a few select locations, also benches and picnic tables.
- Removal of fallen timber and excessive undergrowth in selected locations to improve waterfront views and mountain vistas.
- Long-term uses could include the development and installation of TVA-authorized floating boat docks for residents and associated small buildings and trails.
- A community-use marina could possibly be developed, most likely near the bridge crossing the Oak Ridge Turnpike.

Alternatives

In accordance with NEPA regulations, DOE examined the following alternatives to the proposed action: (1) Conveyance of the property to the Abutting Landowner for Unrestricted Use; (2) Conveyance of the Property to the Tennessee Valley Authority (TVA); (3) Conveyance of the property to the City of Oak Ridge or Roane County; (4) DOE retention of ownership but with DOE granting easements to the abutting landowner, and (5) No Action.

Environmental Impacts

The EA assessed impacts of the proposed action on the floodplain strip as “direct” impacts, and impacts on the floodplain strip from potential development on the Boeing Property as “indirect” impacts. Resource areas evaluated in the EA include air quality; geology/soils; land use/aesthetics; socioeconomics/environmental justice; floodplain and wetland values; ecological resources; cultural and archaeological resources; and public health.

Although DOE does not anticipate significant, direct impacts under any of the alternatives evaluated in the EA, minor differences in impacts remain between each of the alternatives. Impacts among resource areas would be most noticeable for the proposed improvements under the Proposed Action. Impacts are assumed to be most negligible under the No Action alternative (alternative 5). Because development of the Boeing Property is likely regardless of conveyance of the floodplain strip, indirect impacts from Boeing Property development would be similar among all alternatives.

Direct impacts from the Proposed Action would be small, limited to some temporary disturbance (e.g., noise, exhaust emissions) of resources over the short-term associated with clearing brush and building nature trails in the floodplain area and some minor, longer-term disturbance associated with boats and marina operations, if these facilities are actually built. Indirect impacts, those from development of the adjoining Boeing tract, would be more substantial, and

could include both negative (e.g., displacement of local wildlife, short-term impacts to water quality from storm runoff during construction activities and lawn and garden chemicals in residential runoff) and positive impacts (e.g., increased job opportunities, an expanded tax base, higher property values in the area).

In general, cumulative impacts (in this instance, incremental impacts from conveyance of the floodplain strip) would be small under the Proposed Action. Indirect impacts from development of the Boeing Property would, in most cases, overshadow direct impacts from conveyance of the floodplain strip or render them marginal. For example, development of the Boeing Property could produce measurable short-term impacts to air quality and longer-term impacts to ecological resources, as wildlife would be effectively excluded and the level of disturbance (noise, night lighting, movement of people and vehicles) would be much higher in the area. Under the Proposed Action there could be some additive impacts to local wildlife, but they would be imperceptible in most instances. A Biological Assessment for the Federally-listed endangered Indiana bat (*Myotis sodalis*) and gray bat (*Myotis grisescens*) concluded that it is unlikely that these species would be impacted by the floodplain development. Impacts to other threatened and endangered species on the floodplain strip are unlikely.

Cumulative impacts would be very minor for the resource areas of air quality, geology and soils, and public health. Cumulative impacts would be noticeable in a few resource areas however, depending on the design and placement of buildings and infrastructure within the Boeing Property, implementation of the Proposed Action could increase impacts to visual/aesthetic resources such as vegetation (underbrush and trees) along the river would be removed to enhance (Boeing) property owners' views. This would have the effect of degrading the viewscape from the opposite direction (the river). As the existing landscape becomes more suburban-industrial in character, night lighting would become more intrusive. However, it is possible that some of these structures could be installed in an aesthetically pleasing manner, such as limited felling of trees in the areas to be developed.

Implementation of the Proposed Action in conjunction with development of the Boeing Property could make cultural and archeological resources in the area more vulnerable to damage and vandalism, but the two eligible archaeological sites (40 RE 86 and 40 RE 89) would be excluded from the property transfer and would remain under Federal ownership. Any existing cemeteries discovered subsequent to the conveyance of the floodplain strip would require protection and could not be relocated. The future owner would be required to provide access to the cemeteries and abide by all applicable regulations for the identification and protection of cultural and archaeological sites. The Quitclaim Deed would contain provisions that required the potential new owner of the floodplain strip to preserve and protect these areas.

Cumulative socioeconomic impacts would be largely positive. Conveyance of the floodplain strip would likely increase the value of the Boeing Property and other properties in the general vicinity. It would almost certainly expand the county's tax base and increase tax revenues, to the extent that the Proposed Action makes the Boeing Property more attractive to potential residents and tenants. No disproportionately high or adverse direct or indirect impacts on minority or low-income populations are expected associated with the Proposed Action.

Also, a Floodplains and Wetlands Assessment for the floodplain strip was conducted in support of the EA, and a Floodplains and Wetlands Statement of Findings was published in the Federal Register (Vol. 65, Number 233, pages 75680 and 75681). Based on the limited planned improvements in the floodplain strip and types of subsequent activities that would occur under the Proposed Action, DOE does not believe there would be any hazards to the public or property from flooding, nor would the activities jeopardize the wetlands' survival, quality, and natural beneficial values. The limited improvements planned for the property would be small in scale and there would be no habitable structures within the floodplain or wetlands that could present a hazard or flooding risk. Additionally, any proposed structure in the floodplain (e.g., boat docks) would be subject to TVA's Section 26(a) review. Any construction within jurisdictional wetlands as identified in the floodplain and wetlands assessment must comply with the Department of Army Wetlands Construction Restrictions contained in 33 CFR, Sections 320 through 330, as amended, and any other applicable Federal, State, or local wetlands regulations.

Determination

Based on the information and analyses in the EA (DOE/EA-1361), and after careful consideration of all public and agency comments, DOE has determined that the proposed implementation of the conveyance of the floodplain strip adjacent to the Boeing Property, Oak Ridge, TN, to the abutting landowner does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA. Therefore, an EIS is not required and DOE is issuing this FONSI.

Issued in Oak Ridge, Tennessee this 31st day of January 2001.


G. Leah Dever, Manager
Oak Ridge Operations Office